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Application Serial No. 10/822,920

REMARKS

The Applicants and the undersigned thank Examiner Wong for her careful review of this application. Consideration of the present application is respectfully requested in view of the following remarks. No claims have been amended through this response. Claims 17, 23, and 37 remain the independent claims.

A. STATEMENT OF THE REJECTION

The Examiner has rejected Claims 17-46. The Examiner rejected Claims 17-46 under 35 U.S.C. § 103(a) as allegedly obvious in view of U.S. Patent Nos. 5,924,072 ("Havens"); 6,411,939 ("Parsons"); and 5,819,231 ("Tremaine").

B. TRAVERSAL OF THE REJECTION OF CLAIMS 17-46 UNDER 35 U.S.C. § 103(A)

The Examiner has alleged that Havens, Parsons, and Tremaine render Claims 17-46 of the present application obvious. In view of the distinctions between the cited references and the pending claim set, the Applicants respectfully traverse the Examiner's conclusions and request that the Examiner withdraw the rejections as to Claims 17-46.

1. Havens does not disclose or suggest storing raw competitive data

In reply to the arguments made in the *Amendment and Response to Office Action* submitted on March 20, 2007, the Examiner states that "Havens teaches storing raw competitive data as incentives [that] may include any acknowledgement, commendations, tangible or intangible rewards, incentive credit for accumulations," and that "as such, "Havens teaches storing raw competitive data." (Office Action at 11-12).

The Applicants respectfully traverse these assertions by the Examiner and submit that Havens does not suggest or teach receiving raw competitive rewards data from multiple sources for incorporation into a database, as recited by Claims 17, 23, and 37. Instead, Havens teaches storing "knowledge items" from a submitter (i.e., an employee of an organization), not receiving competitive rewards data from sources other than the entity. The portions of Havens cited by the Examiner clearly illustrate this point. In response to receiving a knowledge item—which is defined in Havens as "any data, graphic, document, process, or other compilation of textual, audiovisual, multimedia, or other information concerning a topic of past, current, or potential future interest, usefulness, or applicability to the function of knowledge workers within the organization"—an incentive module 24 may "generate incentives according to activity associated with knowledge items." (Havens, column 6, lines 23-25). Havens continues by explaining that these "incentives," including "any acknowledgements, commendations, tangible or intangible forms of recognition that the organization believes will incent or otherwise encourage desirable activity from its knowledge worker" may be generated "if feedback information 2 from assessor 14 indicates that assessor 14 found knowledge item 8 especially useful." (Havens, column 6, lines 35-43). Thus, in contrast to the conclusion reached by the Examiner, raw competitive data is not being received in Havens from multiple sources for incorporation into a database, but rather **incentives are being generated and rewarded for the submission of knowledge items by knowledge workers.** Thus, in contrast to the solutions recited by Claims 17, 23, and 37, **the incentives are distributed by the** Havens **system to knowledge workers within an organization rather than received from multiple sources at a database.** Accordingly, the

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Applicants respectfully request that the rejections as to Claims 17, 23, and 37 be withdrawn.

2.   **Parsons is directed to a system for comparing current and replacement benefit plans, as opposed to receiving competitive rewards data from a plurality of sources other than an entity**

The Applicants thank the Examiner for the acknowledgement that Havens does not teach the step of "receiving competitive rewards data from a plurality of sources other than the entity." (Office Action at 3). However, the Examiner states that Parsons discloses receiving competitive rewards data from a plurality of sources other than the entity. (Office Action at 4). Applicants respectfully traverse this conclusion by the Examiner.

Parsons discloses a system for illustrating a replacement benefit plan for employees of an organization so that equivalent compensation can be provided to the organization's global workforce. (Parsons, column 1, lines 37-42; column 5, lines 52-53). As described by Parsons, the method is performed by: entering information defining a benefit plan that is viable at one location but not viable at the location of the replacement plan, converting the information into a portion of the input data, processing the input data into output data corresponding to characteristics for a replacement plan that is viable at the replacement plan's location, and generating an illustration of the replacement. (Parsons, column 5, 54-63). Nowhere in this process, however, is competitive rewards data received from a plurality of sources other than the entity, as recited by Claims 17, 23, and 37 of the present application.

While Parsons describes the process of collecting input from a Consultant Computer "that can include a request for a comparative study for providing equivalent

benefits for the consultant's client," (Parsons, column 11, lines 46-50), this process does not involve collecting competitive rewards data from multiple sources. Instead, the input received from the Consultant's Computer is used by the Central Computer to prepare a "comparative illustration of the current and replacement plans" for a person moving to a new location within a company. (Parsons, column 11, lines 61-63). As described in more detail, "the central digital Computer 2 is used to generate comparative illustrations analyzing the replacement plan characteristics in comparison with the forfeited benefits not available or viable in the replacement plan's location." (Parsons, column 13, lines 41-44). By so doing, a replacement plan that is best suited to provide benefits equivalent to the value of benefits being lost is provided by the system. (Parsons, column 14, lines 22-24). Accordingly, while the system in Parsons **is used to create equivalent benefit plans for employees within a single entity** (e.g., to create an equivalent benefit plan when an employee of a company moves from America to Europe—see Parsons, column 14, lines 2-6)—it does not involve receiving competitive rewards data from a plurality of sources other than the entity. Instead, the process only involves collecting benefit information provided by a **single entity** for the person being re-located so that the system can illustrate equivalent benefits in the new location.

In view of the above, the Applicants respectfully submit that Parsons does not suggest or disclose receiving raw competitive data from sources other than a single entity and requests that the rejections as to Claims 17, 23, and 37 be withdrawn.

3.   **Tremaine does not disclose or suggest mapping raw competitive data received from multiple entities to employment-related benchmarks**

The Applicants thank the Examiner for acknowledging that Havens does not teach the step of mapping raw competitive data prior to incorporation into a competitive

rewards database. (Office Action at 3). However, the Examiner states that Tremaine discloses "[a] data mapping table for automatically mapping the raw competitive rewards data prior to incorporation into the competitive rewards database by mapping the raw competitive rewards data to benchmarks comprising job function, discipline or scope as the job code file 26 may include a listing of one or more job codes 75 and their corresponding titles 76... ." (Office Action at 4-5). The Applicants respectfully traverse this conclusion by the Examiner.

The Tremaine patent describes a compensation planning tool that facilitates the ranking of all employees of a single business, where a ranking represents the value of that employee to the business. (Tremaine, column 2, lines 60-63; column 6, lines 26-30). Tremaine, however, does not suggest or disclose mapping "competitive rewards data," as recited by Claims 17, 23, and 37. As recited by independent Claims 17, 23, and 37, competitive rewards data comprises data from an entity, along with data from **sources other than the entity**. Tremaine, on the other hand, only discusses information relating to the employees of a **single** business entity. Therefore, even assuming *arguendo* that Tremaine discloses mapping competitive rewards data, **it does not disclose mapping competitive rewards data from multiple entities**, as required by Claims 17, 23, and 37. Accordingly, the Applicants respectfully submit that the rejections as to Claims 17, 23, and 37 are improper and request that they be withdrawn.

4.   The combination of Havens, Parsons, and Tremaine would not provide the solution of Claims 17, 23, and 37

The Applicants respectfully submit that the cited references teach solutions to problems that are different from the one solved by independent Claims 17, 23, and 37. Havens teaches storing knowledge items to maximize intellectual capital of an

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organization, wherein the knowledge management system generates incentives for the submission of knowledge items by employees. <u>Parsons</u> teaches a system for illustrating equivalent plan benefits when an employee relocates. And <u>Tremaine</u> teaches a system for evaluating an employees productivity within a single company. In contrast to the solutions of <u>Havens</u>, <u>Parsons</u>, and <u>Tremaine</u>, independent Claims 17, 23, and 37 are directed towards collecting and utilizing competitive rewards data, wherein the competitive rewards data is received for employees of an entity and sources other than the entity. Accordingly, even if one of ordinary skill in the art were inclined to combine the teachings of <u>Havens</u>, <u>Parsons</u>, and <u>Tremaine</u>, he or she would still not reach the solution of Claims 17, 23, and 37. As such, the Applicants respectfully submit that the rejections are improper and request that the Examiner withdraw the rejection of Claims 17, 23, and 37.

C. TRAVERSAL OF THE REJECTION OF DEPENDENT CLAIMS 18-22, 24-36, AND 38-46 UNDER 35 U.S.C. § 103(A)

Claims 18-22, 24-36, and 38-46 are patentably distinct from the cited references for at least the reason that they depend from independent Claims 17, 23, and 37. If an independent claim is allowable, then the claims dependent thereon should also be allowable because they include the limitations of the independent claim. <u>In re Fine</u>, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988). Therefore, in view of the foregoing remarks with respect to independent Claims 17, 23, and 37, the Applicants respectfully submit that each dependent claim is patentable over the prior art.

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CONCLUSION

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The foregoing is submitted as a full and complete response to the Office Action mailed on June 13, 2007. The Applicants have submitted remarks to traverse the rejections of Claims 17-46. The Applicants and the undersigned thank Examiner Wong for her careful consideration of the above remarks. The Applicants respectfully submit that the present application is in condition for allowance, and such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned at (404) 572-2746.

Respectfully submitted,

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